ADUR
DISTRICT COUNCIL

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Development Control

CERTIFICATE OF PROPOSED LAWFUL USE OR DEVELOPMENT

TOWN AND COUNTRY PLANNING ACT 1990: S192 (AS AMENDED BY S10 OF THE PLANNING AND COMPENSATION ACT 1991)

TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE) ORDER 1995

Mrs Claire Haigh
Claire Haigh Associates Ltd
9 Kenton Road
Hove
East Sussex
BN3 4PG

The Adur District Council hereby certify that on 17/12/2010 (reference ADC/0489/10), the matter described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and edged red on the plan submitted with this application, would have been lawful within the meaning of section 192 of the Town and Country Planning Act 1990 (as amended), for the following reason:-

A. The proposed rear extension constitutes 'development' as defined by Section 55 of the Act and, because it extends beyond the rear wall of the dwellinghouse by less than 3 metres, has an eaves height of less than 3m and an overall height of less than 4m, it constitutes 'permitted development' under Class A of Part 1 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended).

B. The proposed garage constitutes 'development' as defined by Section 55 of the Act and, because it is to be erected within the rear garden and has an overall height of less than 2.5m, it constitutes 'permitted development' under Class E of Part 1 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended).

James Appleton
Executive Head of Planning, Regeneration and Wellbeing Date: 11.02.2011

First Schedule

Application for a Lawful Development Certificate for a proposed single story rear extension and detached garage

Second Schedule

16 The Drive Southwick Brighton West Sussex

Notes

a) This certificate is issued solely for the purposes of section 192 of the Town and Country Planning Act 1990 (as amended).

b) It certifies that the matter specified in the First Schedule taking place on the land described in the Second Schedule would have been lawful, on the specified date, and thus, would not have been liable to enforcement action under section 172 of the 1990 Act on that date.

c) This certificate applies only to the extent of the matter described in the First Schedule and the land specified in the Second Schedule and identified on plan submitted with the application. Any matter which is materially different from that described or which relates to other land may render the owner or occupier liable to enforcement action.

d) The effect of the certificate is also qualified by the proviso in section 192(4) of the 1990 Act, as amended, which states that the lawfulness of a described use or operation is only conclusively presumed where there has been no material change, before the use is instituted or the operations begun, in any of the matters relevant to determining such lawfulness.